

Notice of Allowability

Application No.

10/789,202

Examiner

Daniel J. Mills

Applicant(s)

BECHTEL, FRIEND K.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 4/11/2006 and interview of 5/26/2006.

2. ☒ The allowed claim(s) is/are 17, 18 and 20-26.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/11/2006

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 5/8/2006 5/26/2006

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

EXAMINER'S AMENDMENT

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/11/2006 has been entered.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Amendment

Authorization for this examiner's amendment was given in telephone interviews with Mr. Friend Bechtel on 5/18/2006.

The application has amended as follows:

Claim 16 is cancelled

Claim 17 has been replaced with --The T-post extender of claim 20 wherein the longitudinal element is a length of steel rebar, the stop element is a steel flat washer,

and the attachment means for fixing the stop element to the longitudinal element at the selected position is by welding the flat washer to the rebar.--

Claim 19 is cancelled

Claim 20 has been replaced with --A high fence support comprising:

a T-post extender comprising an elongated longitudinal element having a longitudinal axis and an exterior surface that is substantially a cylinder, the longitudinal axis being defined as the locus of points that are the centroids of all cross sections of the longitudinal element, the maximum extent of any cross section measured from its centroid to any point on the periphery of the cross section being about 1/4 inch, the longitudinal element being able to withstand bending moments in any direction perpendicular to the longitudinal axis of at least 200 pound-inch, the T-post extender comprising also a single stop element surrounding the longitudinal element, the stop element in a selected position along the longitudinal element, the selected position being relative to a first end of the longitudinal element, the stop element having maximum extent in the longitudinal axial direction of less than about 2 inches, and, when the stop element and a straight line that is a linear least squares fit to the longitudinal axis in the region of the stop element are projected onto any plane having a normal perpendicular to the straight line, the stop element at substantially its end in the longitudinal direction nearest the first end of the longitudinal element has a projected profile that extends at least 1/2 inch in each of the two radially opposed directions

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measured from the projected straight line, the T-post extender stop element having an attachment means for fixing the stop element to the longitudinal element at the selected position; and

a steel T-post with one or more wire ties, the steel T-post having an upper end and having cross sections substantially in the shape of a T, the T having a stem and an over-bar, one end of the stem of the T meeting the over-bar of the T at its center and at substantially right angles, the steel T-post having one or more wire ties each on the T-post at substantially a cross section of the T-post near its upper end, each wire tie either completely surrounding the T-post or in combination with existing fence wire completely surrounding the T-post, the interstitial space between the T-post and each wire tie formed by the stem of the T, the over-bar of the T, and the wire tie being sufficient to accept the first end of the T-post extender longitudinal element; wherein

the T-post extender is secured onto the T-post within the interstitial spaces between the T-post and wire ties, the T-post extender being held laterally by the wire ties, the T-post extender in position alongside the upper part of the T-post and held vertically by gravity, wherein a lowermost surface of the T-post extender stop element is in contact with the top most surface of the T-post, such that the T-post extender is held vertically against gravity and a portion of the T-post extender extends above the T-post.-

Claim 21 has been added to read --The T-post extender of claim 20 wherein the attachment means for fixing the stop element to the longitudinal element is adjustable,

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whereby the stop element may be fixed to the longitudinal element at a position along the longitudinal element and then reset later to another position.--

Claim 22 has been added to read --The T-post extender of claim 21 wherein the adjustable attachment means is part of the stop element.--

Claim 23 has been added to read --The T-post extender of claim 22 wherein the adjustable attachment means includes a thumbscrew.--

Claim 24 has been added to read --The T-post extender of claim 22 wherein the adjustable attachment means includes an over-centering clamp type device that tightens a sleeve against the longitudinal element.--

Claim 25 has been added to read --The T-post extender of claim 20 wherein the longitudinal element is a length of steel rebar, the stop element is a piece of flat steel having a face and having cross slots cut through said face in substantially the center of said face and attached to the longitudinal element by pressing it to the desired location along the longitudinal element.--

Claim 26 has been added to read --The T-post extender of claim 25 wherein the attachment of the stop element to the longitudinal element includes a crimping operation.--

The following is an examiner's statement of reasons for allowance:

The prior art, particularly Talt and MontGuide shows various types of fence post extension devices. The prior art does not teach or suggest the combination of features claimed. For example, the prior art does not suggest an elongated longitudinal element having a single stop element being situated in the interstitial space of a T-shaped fence post between the post and existing wire tie such that the longitudinal element extends above the T-post and the bottom surface of the single stop element rests against the top surface of the T-post.

Claims 21-26 incorporate the subject matter of claims 4-7, 9-10 which were cancelled. These claims are rejoined because claim 20 is an allowable claim generic to each claimed species.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJM

DJM
5/26/2006


James R. Brittain
Primary Examiner